REMARKS

This Amendment is in response to the Office Action of February 3, 2009 in which claims 1-33 were rejected.

Claim 13 has been amended to focus on claiming the server itself such as the server 120 illustrated in Fig. 1. The wireless terminal is no longer a part of claim 13 but is only referred to as sending the first set of user identification parameters and the second set of user identification parameters to the claimed apparatus over the first communication path and over the second communication path, respectively.

Claim 22 is amended to remove the limitation that the access is obtained at the wireless terminal "over the second communication path."

Claim 28 is amended to remove the acronym URL in favor of --uniform resource locator--.

Other than that, the claims remain as pending in the last response.

Regarding the Office Action of February 3, 2009, all of the claims 1-33 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Raivisto et al* (U.S. Publication No. 2004/0075675). By traversing the rejection on the merits, applicant does not waive the right to establish prior invention at some later date to overcome either this reference or some other reference combined with *Raivisto et* al and applied in some future Office Action.

The *Raivisto et al* reference (U.S. 2004/0075675) discloses (see Abstract) a system, apparatus and method to allow provisioning of services and execution of those services at the mobile terminal. Services may be locally, remotely or manually provisioned within a mobile terminal and may be viewed by an end user of the mobile terminal after being filtered by context. The filtered list of services being accessible from a service panel 212, 302, 312 of the mobile terminal, whereby the mere selection of the service allows execution of the service at the mobile terminal using the appropriate underlying communication technology with no further interaction required from the end user.

The *Raivisto et al* reference deals with a need in the communications industry for a manner of reducing the mobile terminal users' burden of discovering and initiating mobile data services. A need exists to reduce the burden on users of

sifting through numerous network sites, advertisements, documents, etc. to locate services and information when the user is in a situation/location where there is a high probability that the user will want a certain type of information, and to reduce user burden in manipulating the mobile terminal to invoke the proper access methodology. There is a further need to allow the service providers and operators to facilitate the offering of their services and applications to end users, so that the end user is presented with a single, uniform view of the available network services and resident applications available while maintaining a relative insulation to context sensitivities.

This need is fulfilled by collectively presenting selectable service items, such as icons or other indicia, by the mobile terminal.

In contrast, the present invention relates to a method and a system (see Abstract) for enabling a server on a packet switched network to authenticate a user of a wireless terminal prior to granting the terminal access to a service administered by the server. According to the invention, the wireless terminal initiates transmission of a first set of user identification parameters to a server over a first communication path, and the terminal transmits a second set of user identification parameters to the server over a second communication path. The server then bases authentication of the wireless terminal on a match between the first set of parameters and the second set of parameters. See Fig. 1 of the present disclosure.

Regarding the first limitation of claim 1, the Examiner refers to page 3 at paragraph 0029 of *Raivisto et al.* The first limitation of claim 1 recites

"initiating from a wireless terminal, transmission of a first set of user identification parameters to a server over a first communication path."

Page 3, section 0029 of *Raivisto et al* reads as follows:

> Referring to FIG. 1, the mobile terminal 102 communicates with the base transceiver station (BTS) 104 via an air interface. The BTS 104 is a component of the wireless network access infrastructure that terminates the air interface over which subscriber traffic is communicated to and from the mobile terminal 102. The Base Station Controller (BSC) 106 is a switching module that provides, among other features, handoff functions, and controls power levels in each BTS 104. The BSC 106 controls the interface between a Mobile Switching Center (MSC) (not shown) and BTS 104 in a GSM wireless network 108, and thus controls one or more BTSs in the call set-up functions, signalling, and in the use of radio

> channels. The BSC 106 also controls the interface between the Serving GPRS Support Node (SGSN) 110 and the BTS 104 in a GPRS network 112.

A review of the paragraph 0029 on page 3 of *Raivisto et al* does not show at least:

- a first set of user identification parameters
- a server
- transmission of a first set of user identification parameters to a server over a first communication path.

Paragraph 0029 of *Raivisto et al* merely discloses the mobile terminal 102 communicating with the base transceiver station (BTS) 104 via an air interface and the general architecture of the GSM network in which GPRS is deployed along with SMS, MMS and other services. It does not disclose the claimed limitation of "initiating, from a wireless terminal, transmission of a first set of user identification parameters to a server over a first communication path."

The Examiner refers to paragraph 0034 for meeting the second limitation of claim 1, i.e., "transmitting, from the wireless terminal, a second set of user identification parameters to the server over a second communication path."

The paragraph 0034 in question reads as follows:

> FIG. 2 illustrates a front panel display 204 of an exemplary service panel as may be presented to an end user of mobile terminal 202. Icons 206-216 represent a Graphical User Interface (GUI) of mobile terminal 202, which allows the user to select features operable on the mobile terminal 202. Any number of different mobile terminal options may be available to the user. FIG. 2 illustrates some representative features including the Call Log 206, Retrieve Messages 208, Settings 210, Service Panel 212, Security Options 214, and Memory Functions 216. Call Log 206, for example, may allow a user to retrieve a list of all Calling Party Numbers (CgPN) incident to the mobile terminal. Retrieve Messages 208 may allow the user to retrieve voice messages left by the calling parties, while Settings 210 would allow a personalization of some of the functions of the mobile terminal, such as ringer volume, ringer type, etc. Selectable features 206, 208, 210, 214, and 216 represent resident applications or features that may be available on a mobile terminal, and these particular features depicted in FIG. 2 are illustrated to provide a representative sample of the types of selectable features that may be available via a GUI on a mobile terminal.

Figure 2 of *Raivisto et al* which is treated in paragraph 0034 merely shows a front panel display 204 of an exemplary service panel as may be presented to an end user of a mobile terminal 202 with icons 206-216 representing a graphical user interface which allows the user to select features operable on the mobile terminal. Although any number of different mobile terminal options may be available, with representative features shown, including personalization in some of the functions, there is no disclosure of transmission from the wireless terminal on the second set of user identification parameters to a server over a second communication path as claimed in claim 1.

Regarding the third and last limitation of claim 1, the Examiner refers to paragraph 0039 on page 4 which further illustrates the service panel 212 of Fig. 2 in more detail including physical device icon 314 to represent physical devices, such as the set-type top box as disclosed in paragraph 0038 which would presumably be embodied in the access point 134 of Fig. 1. Icon 314 is described as representing a context sensitive device that would be active when both the mobile terminal and the set-type top box are within the same Bluetooth hot spot as illustrated in Fig. 1. The set top box may be provisioned to the service panel 312 in any desired manner. In one embodiment where Bluetooth technology is employed, the set-top box is provisioned to service panel 312 in connection with the pairing process that creates a link key and exchanges the link key between the mobile terminal and the set-top box. At this time, other information can be exchanged such as applications and/or Java™ midlets that provide a user interface for controlling the set-type top box functions via the mobile terminal.

This paragraph 0039 cited from page 4 of *Raivisto et al* does not discuss at least:

- server
- authentication
- a match between a first set of user identification parameters and a second set of user identification parameters.

The physical device icon 314 of the service panel of Fig. 3 of *Raivisto et al* merely facilitates the mobile terminal user's burden of discovering and initiating the access to the set-top box and does not have anything to do with the features of claim 1 of the presently claimed invention.

The present invention deals with a completely different problem of authentication where the server hosting the service needs some user specific, or terminal specific, information on which the authentication can be based. The present invention provides solutions for enabling a server to authenticate a connecting wireless terminal user when no unique terminal identification is received by the server during establishment of a session with a calling wireless terminal.

For all of the above reasons, the 35 U.S.C. § 102(e) rejection of claims 1-33 is inapplicable and withdrawal thereof is requested.

The objections and rejections of the Office Action of February 3, 2009, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-33 to issue is earnestly solicited.

Respectfully submitted,

Francis J. Maguire
Attorney for the Applicant
Registration No. 31,391

FJM/mo
WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, Connecticut 06468
(203) 261-1234